

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MALCARNE CONTRACTING INC.,

Plaintiff,

-against-

PROGRESSIVE CASUALTY INSURANCE CO.,

Defendant.

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| USDC SDNY             |
| DOCUMENT              |
| ELECTRONICALLY FILED  |
| DOC #:                |
| DATE FILED: 1/29/2025 |

24-CV-04244 (MMG)

**ORDER**

MARGARET M. GARNETT, United States District Judge:

Third-party Plaintiff Progressive Casualty Insurance Company's ("Progressive") request to serve Juan Bautista by publication is DENIED. *See* Dkt. No. 61. Service by publication is disfavored, and Progressive has not shown that such service is authorized or appropriate in this case. *See, e.g., Chinese Am. Civil Rights Coalition, Inc. v. Trump*, No. 21-GV-4548 (JGK), 2021 WL 3754242, at \*1 (S.D.N.Y. July 27, 2021).

The Court is in receipt of the letter at Dkt. No. 64. Rather than summarily dismissing Bautista from the action now, the Court grants Progressive an additional **30 days** to properly serve Bautista. Progressive is directed, by no later than **February 28, 2025**, to either file proof of service upon Bautista or to file a letter detailing the additional attempts to serve him. If Progressive has not successfully served Bautista by February 28, 2025, the letter may also include any renewed request for authorization of alternative service. The Court will consider any such request, as well as the response to the prior order to show cause at Dkt. No. 64, at that time, if necessary.

Dated: January 29, 2025  
New York, New York

SO ORDERED.



MARGARET M. GARNETT  
United States District Judge